

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action dated July 11, 2003, which set a three-month period for response, making this amendment due by October 11, 2003 or October 14, 2003, Tuesday after a federal holiday.

Claims 10-20 are pending in this application.

In the Office Action, the drawings were objected to for not including appropriate legends in the numeric blocks. Claims 10-14 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,990,887 to Lee. Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of U.S. Patent No. 5,172,095 to Scott.

The Applicant notes with appreciation the indicated allowability of claim 20, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In this amendment, a proposed amended Fig. 1 has been submitted to add appropriate labels to the boxes. Upon approval by the Examiner, a corrected version of the drawings will be submitted.

With regard to the substantive rejections of the claims under Section 103, the Applicant respectfully disagrees that the cited references render obvious the subject matter of the present invention as defined in claims 10-19.

Independent claim 10 of the present application defines a method for warning a following vehicle when a vehicle in front applies its brakes. The method of the present invention includes the following step:

- a) causing at least one brake light of the leading vehicle to illuminate during

a braking process as a braking value of said braking process increases in conformity with a present value of said braking value (emphasis added).

In contrast, the primary reference to Lee discloses a braking system in which the brake lights are illuminated with an intensity that is independent of a present braking value that depends on the braking process.

The method of the present invention as defined in claim 10 also includes the feature defined in step b) that the illumination is made to last for a retention time that is a function of the braking process in conformity with or depending on a maximum value of the braking value.

In the Lee system, however, the illumination continues for a set time period (for example, 8 seconds), which is independent of a maximum value of a braking value.

The Applicant respectfully submits that the present invention is not obvious to the practitioner over Lee, since Lee fails to suggest tying the braking illumination time to a maximum value of a braking value. Rather, Lee teaches away from the present invention by providing that the illumination continues only for an arbitrary, designated time period that is completely unrelated to the maximum value of the braking value.

In other words, Lee teaches only that it is advisable that the illumination remain on for a short time to warn the following driver of the braking action. The practitioner could not obtain from this disclosure that the time of illumination could be modified, such that the time of the illumination increases as a function of the time of the braking process, i.e., the longer the braking action, the longer the illumination continues. Lee is completely silent on this point.

Therefore, the Applicant respectfully submits that claim 10, along with claims 11-

14 and 18-19, are patentable over the Lee reference.

With regard to the rejection of claims 15 - 17 as obvious over the combination of the Lee and Scott patents, again, the Applicant respectfully disagrees that this reference combination makes obvious the subject matter of the present invention. The Scott patent discloses a brake light system, including an auxiliary brake light and deceleration brake light. The auxiliary brake light flashes an "on" and "off" indicator while the brake pedal switch is closed. The deceleration light flashes an "on" and "off" indicator for a predetermined time after the brake pedal switch is opened.

As disclosed in Scott, column 3, lines 39-63, a separate deceleration signal, independent of the brake signal generated by the brake pedal switch can be applied optionally, so that a deceleration lamp will flash as long as the deceleration signal is present and for a predetermined time period thereafter.

As the Examiner states on page 5, paragraph 5, of the Office Action, the primary reference to Lee fails to disclose detecting a speed of the leading vehicles at the beginning of the braking process and that the duration of the fading is a function of the vehicle speed at the beginning of the braking process.

The Applicant respectfully submits that combining the Scott reference with Lee would not lead to the present invention as defined in claims 15-17. Scott fails to disclose any detection of the vehicle speed. Rather, Scott teaches only detecting acceleration and deceleration, not the detection of a speed at the beginning of a braking process.

Furthermore, neither the Lee nor Scott reference suggests or teaches the detection of a maximum braking value.

Therefore, the Applicant respectfully submits that claims 15-17 are also patentable over the cited references.

For the reasons set forth above, the Applicant respectfully submits that claims 10-19 are indeed patentable over the art of record. The Applicant therefore respectfully requests withdrawal of the rejections under 35 U.S.C. 103.

In light of the foregoing discussion in support of patentability, the Applicant respectfully submits that this application now stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

Robert W. Becker

Robert W. Becker, Reg. No. 26,255
for applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059
RWB:mac

Telephone: (505) 286-3511
Facsimile: (505) 286-3524